IN THE HIGH COURT OF HIMACHAL PRADESH AT SHIMLA

CMPMO No. 286 of 2005

Date of Decision:16th November, 2006

Smt.Kusum Sharma	**Petitioner**
Versus	
Santosh Kumar	**Respondent**

Coram

The Hon'ble Mr. Justice V.K.Gupta, C.J.

Whether approved for reporting[1]?

For the petitioner: **Mr.Y.Paul, Advocate, vice counsel for the petitioner.**

For the respondent: **None**

V.K.Gupta, C.J. (Oral)

Respondent has been served, but none appears on his behalf when the case was called for hearing.

In this petition filed under Article 227 of the Constitution of India read with Section 24 of the Code of Civil Procedure, the petitioner seeks the transfer of case pending in the Court of learned District Judge (Forests), Shimla under Section 25 of the Guardian and Wards Act to the Court of learned District Judge, Hamirpur.

The petitioner had filed CMPMO No.154 of 2005 in this Court for transfer of two cases, one under Section 13 of the Hindu Marriage Act and the

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[1] Whether the reporters of Local Papers are allowed to see the Judgment?

other under Section 25 of the Guardian and Wards Act. Vide an order passed by this Court on 9th November, 2005 this Court had considered the aforesaid CMPMO No.154/2005 only qua the transfer of the case under Section 13 of the Hindu Marriage Act and had directed that the petitioner may file a separate transfer petition qua the case under Section 25 of the Guardian and Wards Act. It is under the aforesaid circumstances that this petition for transfer has been filed by the petitioner.

Vide the aforesaid order dated 9th November, 2005 passed in aforesaid CMPMO No.154/2005, this Court had ordered the transfer of the aforesaid case from Shimla to Hamirpur. The grounds stated in the aforesaid order being identical and fully applicable to the present case, it is ordered and directed that the petition pending in the Court of learned District Judge (Forests), Shimla, under Section 25 of the Guardian and Wards Act, shall stand transferred to the Court of learned District Judge, Hamirpur. The learned District Judge (Forests), Shimla, before whom the record of the case is lying is directed to remit the record to the transferee Court. The petitioner is directed to appear before the transferee Court on 28th December, 2006. Since this order has been passed in the absence of the respondent, the learned District Judge, Hamirpur, is directed to ensure that

he does not proceed any further in this matter unless the respondent herein, namely, Santosh Kumar is duly served in the case.

The petition is allowed.

CMP No.438/2005

In view of the disposal of the main petition, the present application is also disposed of.

16th November, 2006 (V.K.Gupta), C.J.
(C)